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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/369,090

08/05/1999

AKIHIRO IINO

S004-3747

6307

40627

7590

04/24/2006

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,090

Applicant(s)

IINO ET AL.

Examiner

Mark Budd

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,7,9,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,9,34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1, 2, 4, 6, 7, 9, and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not teach the piezoelectric vibrator as being mounted "directly" on the substrate. It teaches that the vibrator is mounted on the substrate by using a support member. Claim 1 line 8 also includes a support member. There simply is no basis in the original disclosure for in the elimination of the support member. In fact, if the vibrator is mounted directly on the substrate it would be damped by the substrate and possibly not even operate. The examiner would assume that the use of "direct" was inadvertent except for the fact that applicant argues this as a point of distinction between the previously cited prior art and the claims subject matter. The original disclosure teaches providing a mounting upper in the same way that Katsuma provides a support member between the substrate and the piezoelectric element.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7 and 9 are rejected under 35 USC 102 (b) as being anticipated by Katsuma. Please note figure 7 which teaches an ultrasonic motor comprising a pool member, a substrate having a conductor pattern, a piezoelectric vibrator provided on the substrate (directly provided through a mounting member) and a support member provided on the substrate for mechanically fixing and supporting the piezoelectric vibrator at a point corresponding to a node of vibration and for transmitting the drive signal to the conductor pattern to the electrodes of the piezoelectric vibrator so that no conductor wires the substrate to connect the drive circuit and the piezoelectric vibrator. This rejection is made by using applicants own interpretation of what "directly" mounted means (mounted through a support member).

Claims 1, 2, 4, 6, 7, 9, 34 and 35 are rejected under 35 USC 102 (b) as being anticipated by Yamaguchi. Yamaguchi in figure 4, teaches an ultrasonic motor comprising a moveable member (see figure guide) a substrate for carrying a signal for by drive circuit to the piezoelectric vibrator #125 a, 125 b a support member provided on the substrate mechanically fixing and electrically connecting at eight nodal point #124a, 124b. It is noted that the examiner is interpreting "conductor pattern" to broadly mean any conductor. The examiner is also using applicants definition of "directly" to mean through the intermediary of a support member. Assuming, arguendo, that the conducted support #125 a, 125b is not interpreted as a "conductive pattern", it would have been

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obvious to what of ordinary skill in the art to provide the support of the as a printed circuit board (PCB) is well-known per se (official notice taken – see also Katsuma). Motivation to use such material would be its low-cost, readily available and light weight.

Further cited of interest are Kasuga (figures 1, 2 and 5), Zumeris (063) (figure 2), Zumeris (140) (figures 1, 6 and 9), Zumeris (653).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Budd whose telephone number is 571-272-2019. The examiner can normally be reached on Monday-Thursday from 6 a.m. to 4 p.m.

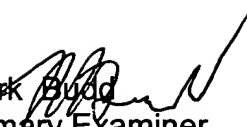
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Schuberg, can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Mark Budd
Primary Examiner
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